

We can stick him only if it was GROSS negl.

Not gross negl. to detain.

If we do, we are acting contra to govt. policy.

Govt. policy is to take adm. action in such cases

See CG

See 40 op A.G. 38

On re Dept of Ag case.

We already have taken adm action, altho too late

We let all sorts of miscalculations take place
in re X deals, hiring bum agents etc., so
why stick W for \$300.00 when he makes a
mistake in judgment

FIRST: We can't stick him for ~~cash~~ ^{Cash} we decide to
give to Capt.

Reasons: 1) Atty Gen says so. Employee can't
be deprived of lawful compensation
2) Employee could go to it if
it was taken out.

3. Cong has assumed liability to
persons damaged.

4. Govt action is discipline.

SECOND: as to damage to Govt property.

Good

When the head of a dept, in order to protect ~~the~~
~~interests~~ of the US, has issued reg's pursuant
to law which provide for the charging of
Govt losses occurring under such circumstances
to the employee found to be responsible
therefor, such reg's may be regarded
as a part of the K of employment.

AI-40-11 provides such reg's?
..... is pursuant to Title 31, Sec 87-92
of USC.

CG 467 (1928) 6000!! as to any army post.

Army post removed car same auto & it was damaged.
... was assessed a charge of \$83 on his
share of damages of a wreck for which he was
found jointly responsible.

He filed claim for refund of the \$83 deducted from
his pay at discharge.

CG: Claim denied.

His responsibility was administratively determined
in accordance with law & regulations.

He was charged because of Army Regs, which
were ~~based~~ based on statutory authority.

See p 469 for best dope.

15 Comp DEC 491.

Charging pay of Navy enlisted man for negli.
damage to public property.

If a reg shall be made pursuant to law
governing property, and an assessment,
ascertained by a bd or some other impartial
& properly set up body,
then such amounts may legally be charged
against the pay of the navy e.m.